

NTSB Order No. EA-4950

Issued under delegated authority (49 C.F.R. 800.24)  
on the 13th day of February, 2002

Respondent .

Docket SE-16019

<sup>1</sup>In EA-4935, the Board affirmed a 30-day suspension of respondent's pilot and flight instructor certificates for his refusal to permit the Administrator's investigators to inspect certain records related to his exercise of those certificates following his involvement in a flight check that ended with a gear-up landing. The suspension will continue in effect indefinitely if respondent does not produce the requested records for inspection before or during the 30-day term.

Although this case resulted in a suspension that may run no more than 30 days, it involves more than a violation based on an airman's past conduct. It involves the Administrator's clear and, to date, defied authority to inspect certain records pursuant to a request that has not been shown to be unreasonable. A stay in such circumstances would thus not simply delay service of a suspension which in all likelihood will be upheld, given respondent's failure to establish any meritorious justification for not permitting the inspection, it would allow him to continue to thwart the Administrator's necessary and appropriate efforts to satisfy herself that respondent's qualifications and competence were not negatively implicated by the landing incident which gave rise to the inspection request.<sup>2</sup> A stay would not, in other words, be consistent with the public interest in air safety.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's request for stay is denied.

Ronald S. Battocchi  
General Counsel

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<sup>2</sup>Respondent did not seek reconsideration of NTSB Order EA-4935.